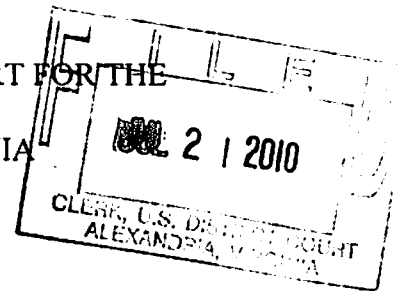


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA

v.

ZACHARY ADAM CHESSER

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)

Crim. No. 1:10mj 504

AFFIDAVIT

I, Mary Brandt Kinder, after being duly sworn, depose and state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI"). I have been employed by the FBI for ten years. During my time at the Washington Field Office, I have been assigned to foreign counterintelligence and international terrorism squads. I have international terrorism cases both domestically and overseas. I have completed FBI training in the investigation of counter-terrorism matters, and as a result of my training and experience, I am familiar with the tactics, methods, and techniques of terrorist networks and their members. I am also certified as a Special Agent Bomb Technician.

2. This affidavit is submitted in support of a criminal complaint charging Zachary Adam Chesser with providing material support and resources to a designated foreign terrorist organization, in violation of Title 18, United States Code, Section 2339B.

3. This affidavit is based on my personal knowledge, my review of records and other materials obtained during the course of this investigation, including intercepted telephone, audio, and in-person communications, as well as information provided to me by other government personnel with knowledge relating to this investigation, particularly including my FBI colleagues with whom I worked on this investigation. Because this affidavit is for the limited purpose of

setting forth facts sufficient to establish probable cause, it does not include all of the pertinent facts that I have learned in the course of this investigation.

4. This affidavit summarizes the contents of certain recorded communications, which were recorded pursuant to lawful court orders. The majority of these recorded communications were in the English language, with a smaller percentage in the Arabic and Somali languages. While translators and transcribers have attempted to translate and transcribe the conversations accurately, to the extent that quotations from the communications are included, these are preliminary, not final translations and transcriptions. In most instances, individual identifications are based on names used during the intercepted communications, voice recognition that has been accomplished to date by investigators, historical information developed during this investigation, toll records, physical surveillance, and subscriber information.

Background

A. Designated Foreign Terrorist Organization, Al-Shabaab

5. On February 29, 2008, the U.S. Department of State designated Al-Shabaab, a.k.a. Harakat Shabaab al-Mujahidin, a.k.a. The Youth, as a Foreign Terrorist Organization under Section 219 of the Immigration and Nationality Act and as a Specially Designated Global Terrorist pursuant to Section 1(b) of Executive Order 13224, stating Al-Shabaab has committed, or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States. The U.S. Department of State described Al-Shabaab as a violent and brutal extremist group with a number of individuals affiliated with Al-Qa'ida. Many of Al-Shabaab's senior leaders are believed to have trained and fought with Al-Qa'ida in Afghanistan. The consequences of these designations

include a prohibition against the provision of material support or resources to Al-Shabaab, and blocking of all property and interests in property of the organization that are in the U.S., or come within the U.S., or the control of U.S. persons. I am advised that providing one's self to a designated terrorist organization constitutes providing material support or resources to such an organization.

B. Zachary Adam Chesser

6. According to his United States Passport application, Chesser is a U.S. citizen, born in 1989. In 2009, Chesser married Proscovia Nzabanita, and they have an infant son. As explained below, one of my FBI colleagues, FBI Special Agent ("SA") Paula G. Menges, interviewed Chesser in May and in June 2009, and again earlier this month.

7. On May 14, 2009, Chesser told SA Menges that his personal email account at that time was zchesser@gmu.edu. This information was corroborated by records obtained from George Mason University. Further, he told SA Menges that he owned and operated the youtube.com website AlQuranWaAlaHadeeth. This information was corroborated by records obtained from Google. Also provided by Google as Chesser's registered name for the account, was "Abu Talhah." My FBI colleagues have viewed the youtube.com website for AlQuranWaAlaHadeeth, and observed that the name of the website's creator listed on the homepage was "Abu Talhah Al-Amrikee."

8. On July 14, 2010, Chesser told SA Menges that he owned and operated a blog, themujhidblog.com, and that he posted under the name "Abu Talhah." My colleagues involved in this investigation have reviewed themujahidblog.com, and observed that Chesser has posted a number of articles under the names "Abu Talhah," "Abu Talhah Al-Amrikee," or some variation

thereof. Further, in their review of themujahidblog.com, Chesser posted his email address as abutalhahalamrikee@yahoo.com.

I. Material Support to Al-Shabaab in violation of 18, United States Code, Section 2339B

A. Chesser's Statements to the FBI in 2009

9. When SA Menges spoke to Chesser in May and June 2009, he told her that he became interested in Islam sometime in July 2008. As Chesser began learning about Islam, he became very "extremist" in his beliefs. He explained that he was watching online videos, discussions and debates, and over-the-counter CDs almost obsessively. One of the authors and presenters he preferred was Anwar Awlaki. Awlaki is an American-born and English-speaking American citizen who formerly was an Imam at the Dar al-Hijra mosque in Northern Virginia. Various Islamic terrorists were in contact with Awlaki before engaging in terrorist acts. Awlaki was designated by the United States Treasury Department a Specially Designated Global Terrorist earlier this week.

10. Chesser told SA Menges that Awlaki inspires people to pursue jihad. He told her that he sent Awlaki several email messages and that Awlaki replied to two of them.

11. Chesser reported that he had started his own Youtube.com homepage, utilizing user ID LearnTeachFightDie, where he posted videos and hosted discussions. Chesser explained that this name perfectly symbolized his philosophy at the time: learn Islam, teach Islam, fight for Islam, and die in the name of Islam. Although Chesser told SA Menges in 2009 that he no longer supported jihad propaganda, he said he would still be willing to die in the name of Islam. Chesser said that he closed the LearnTeachFightDie Youtube site because it was a "waste of

time." Chesser said that he then opened a YouTube site utilizing user name AlQuranWaAlaHadeeth.

12. Chesser told SA Menges in 2009 that a short while ago, he had wanted to travel overseas to fight, but had since changed his mind. Chesser admitted that he had posted "extremist" videos and comments online, including jihad propaganda. Chesser stated that his Islamic beliefs, and specifically his interest in jihad propaganda, had moderated over time. He said that, early on in his studies of Islam, Chesser greatly supported and researched jihad-affiliated ideologies independently. Chesser defined jihad as an external struggle, or fight, when it is spoken in English. Chesser further stated that he was the most extreme of all of his friends at that time, and they would often come to him for clarification or discussion of jihad-related topics. Chesser told SA Menges in 2009 that, although he didn't support acts of terrorism or violence, he wanted the US to fail in its overseas military efforts, and he acknowledged that its failure would require many deaths. As described below, the change of heart that Chesser described to SA Menges in the spring of 2009 was only short-lived.

B. Chesser Admitted that He Sought to Fight in Somalia in July 2010

13. Early this month, the FBI was notified by Customs and Border Protection officials that Chesser was scheduled to depart New York for Uganda on July 10, 2010. This information was corroborated by court-ordered electronic surveillance, which revealed that Chesser received an e-ticket to travel to fly to Uganda from New York on July 10, 2010, via Dubai and Addis Ababa, arriving on July 12, 2010.

14. On July 10, 2010, FBI agents observed Chesser attempt to depart the United States at Kennedy Airport in New York. Chesser was denied check-in by the airline and subsequently advised by Transportation Security Administration personnel that he was on the No-Fly list.

While still at the airport, he was interviewed by Special Agent (“SA”) Kirgan of the United States Secret Service. When SA Kirgan told him that he would not be allowed to fly, Chesser said that he may need to drive to Mexico or Canada and fly from there.

15. Chesser told SA Kirgan that he did not live at the address listed on his driver’s license, or at the address listed on his son’s recent passport application; instead, he said that he was staying at the house of a friend. Chesser said that he was not close with his mother, and that, as a result of death threats that she received following postings he made on the internet regarding the South Park television show, he was no longer on speaking terms with his parents. He said that neither he nor his wife were employed. Chesser told SA Kirgan that he and his wife had attempted to travel to Kenya in November, but were unable to do so as she had lost her passport.

16. SA Kirgan and Chesser talked about postings that Chesser had made on the internet about Anwar Awlaki. When SA Kirgan asked why Chesser continued to post lectures and other material related to Awlaki after he was known to be an enemy of the United States, Chesser stated that he did not necessarily disagree with Awlaki.

17. After he was turned away from the flight to Uganda at the airport in New York and spoke to SA Kirgan, Chesser contacted the FBI and said that he had information that he wanted to provide. As a result of his call, SA Menges spoke with Chesser again on July 14, 2010. Chesser told her that he wanted to provide the FBI with information regarding Al-Shabaab. Chesser said that he had planned on July 10th to travel to Somalia to join Al-Shabaab, but that he had a change of heart after learning about the bombings in Uganda shortly thereafter for which Al-Shabaab asserted responsibility. Inasmuch as Chesser had told SA Menges only last spring that he had decided at that time to reject an interpretation of Islam that calls for violence, this was

the second time in little more than a year that Chesser told her that he had changed his mind about wanting to engage in violent jihad.

18. Chesser told SA Menges that, although his ticket was for Uganda, he had not intended to stay in Uganda, but instead wanted to travel to Somalia. Chesser said that he most likely would have traveled from Uganda to Kenya or Tanzania so that he could get to Somalia. Chesser said that traveling from Kenya into Somalia was as simple as traveling from Kansas to Missouri. Chesser said that Al-Shabaab had a strong influence or control over border crossings, and it only cost \$20 to get into Somalia from Kenya.

19. Chesser's admission to SA Menges that he planned to travel to Somalia from Uganda is corroborated by court-ordered electronic surveillance. On June 8, 2010, Chesser told his wife that he would not be in Uganda for more than 24 hours. Further, on May 28, 2010, Chesser told his wife that he was taking their son with him to Uganda as part of his "cover." Indeed, on July 10, 2010, Chesser had his son with him as he attempted to fly to Uganda. I believe that Chesser planned to take his son with him to Uganda to make it less likely that American authorities would think that, in fact, he was going to Somalia to join Al-Shabaab.

20. On July 14, 2010, Chesser told SA Menges that Al-Shabaab was a decentralized organization, with smaller autonomous units carrying out missions independently. Chesser said that Al-Shabaab is an easier organization to join than other known organizations overseas, such as the Taliban or those in Iraq. He said that he has been in contact with people from Al-Shabaab, and that he would have no problem in getting into Al-Shabaab when he reached Somalia. He said that he knew that Al-Shabaab was a Designated Terrorist Organization.

21. SA Menges reported that Chesser told her that members of al-Shabaab advised him that they needed people to bring laptops and cameras. The laptops would be given to the fighters for personal use, while the cameras would be used to film production quality videos for al-Shabaab's propaganda campaign.

22. Chesser told SA Menges that training camps for Al-Shabaab will begin after Ramadan (in approximately two months), and Chesser was hoping to get there in enough time to be prepared for this start date. Chesser said that the initial training, which includes basic training and firearms, is about six weeks long. Additional training would occur if someone were to obtain a special skill, such as bomb making or sniper qualifications.

23. SA Menges reported that Chesser told her that he would likely be recruited into Al-Shabaab as a "foreign fighter." He said that almost all "foreign fighters" are placed into the media branch, and are located in Mogadishu, Somalia. He said that, although this branch of Al-Shabaab deals with the making and dissemination of Jihad propaganda, its members are still involved in the actual fighting. Chesser stated that the foreign fighters are some of the most respected members of Al-Shabaab, and that they are put on the front lines of the battlefield. Chesser said that he would be willing to fight on the front lines and is not afraid of death.

24. On July 14, 2010, Chesser told SA Menges that, in addition to operating the "themujahidblog," he also took over the primary role of the New York-based website, revolutionmuslim.com, and was active on the pro-Jihad forums Ansar and al-qimmah. Chesser said that al-qimmah was the official forum for Al-Shabaab, and that he had posted videos and other propaganda on it on behalf of individuals within Al-Shabaab. SA Menges reported that Chesser said that he has also produced "things" for, or at the direction of, Al-Shabaab members.

C. Chesser Sought to Fight in Somalia in November 2009

25. On July 14, 2010, Chesser also told SA Menges that he had previously attempted to travel to Kenya in November 2009. Chesser admitted that, when he tried to travel to Kenya last year, he had supported both al-Shabaab and al-Qa'ida.

26. Chesser's admission that he had tried to leave the United States to join and fight on behalf of Al-Shabaab is corroborated by other evidence. For example, my FBI colleagues participated in a court-ordered search of Chesser's residence in Fairfax, Virginia, on June 24, 2010. In the course of the search, investigators found a journal or diary that contained Chesser's writings. I believe that this journal or diary contains Chesser's own writings because a significant percentage of the contents within the journal are similar to articles or videos that Chesser has created and posted to various online sources. Additionally, the detailed accounts of activities written in the journal are consistent with what the FBI has observed Chesser doing or taking part in, throughout this investigation. In the journal, shortly after an entry stating that the "rest of this work is my own personal story, and I ask Allah to make it a source of inspiration as well as a real-life 'how-to-guide' on how to reach the fields of Jihad," Chesser stated that he planned to join Al-Shabaab.

27. Chesser's journal also reflects that he attempted to leave the United States to travel to Somalia in November 2009. Chesser wrote that he planned to go to Kenya and then to Somalia, possibly by way of speedboat, but that he was unable to go because his mother-in-law refused to give his wife her passport. Chesser stated that he tried "just about everything to get it from her." Despite this failed attempt, Chesser wrote that if his plan to travel to Somalia was to change, he

would write it down in his journal. In the review of the contents of Chesser's journal, the FBI did not observe any statements that indicated Chesser had changed his plan to travel to Somalia.

28. Chesser's desire to join Al-Shabaab was repeated elsewhere in the journal, and, according to Chesser, also posted on Anwar-alAwlaki.com. A court-ordered search of Chesser's email account zchesser@gmu.edu, revealed that on July 13, 2009, Chesser contacted Anwar Awlaki directly through Awlaki's email address. In the email, Chesser details two dreams he had, asking Awlaki for an interpretation. Specifically, while describing the activities of his first dream, Chesser explained that he previously had prayed to Allah to let him be in Al-Shabaab. Further, Chesser wrote that he posted his description of that dream on Anwar-alAwlaki.com.

D. Chesser's Postings Corroborate His Intent to Fight in Somalia

28. Chesser posted many videos and messages indicating his belief that it is his duty to go fight in Somalia. For example, on June 17, 2010, Chesser posted an article to an online forum, titled "Counter Counter Terrorism #12 - Actually Leaving for Jihad." In the article, Chesser stated that the number one most important thing in countering the efforts of the non-believers is for one to leave for jihad. He stated that the appropriate time-frame for one to actually leave after having made up their mind to go, is about one year. I believe that this statement validates the information obtained from the review of Chesser's personal journal, for the time period associated with Chesser's description of his plans to travel to Somalia, is dated from approximately October 2009.

29. Chesser went on within his article to describe the prerequisites involved in leaving for jihad. According to Chesser's post, these include obtaining the necessary funds to purchase a

plane ticket, obtaining the necessary documentation for travel, keeping a low profile to include such actions as shaving your beard if one is traveling into Somalia, and finally, "LEAVE."

30. The information provided by Chesser in the above post is nearly identical to his own recent activities. Court-ordered surveillance established that Chesser purchased tickets, obtained vaccinations for international travel, and obtained the appropriate travel documents. FBI surveillance observed that Chesser also recently trimmed his beard; I believe that this was done to prevent any scrutiny during his upcoming travel. Therefore, I believe that the above post was Chesser's own account of what he had to do to leave for jihad in Somalia.

31. Chesser's statement that he intended to join the mujahideen in Somalia also is corroborated by numerous videos and articles in support of the mujahideen that he posted. In approximately December 2009, Chesser began to operate his own blog, themujahidblog.com, which contains links to several videos depicting the mujahideen on Chesser's YouTube account, AlQuranWaAlAhadeeth. The blog is dedicated to jihad, or as Chesser stated on the site, it is "A website dedicated to those who give their blood for this religion." Chesser described the purpose of his blog in a mission statement, posted on December 23, 2009. He stated that the blog "will be primarily devoted to spreading knowledge regarding Jihad and the Mujahideen." Chesser further stated that he was not encouraging "specific acts of violence" but rather that "[his website] is only intended to encourage general and ambiguous acts of violence."

32. On January 9, 2010, Chesser posted a message to his blog, themujahidblog.com, titled, "How to Help the Mujahideen." The post outlined various tactics, from praying to fighting, to help the mujahideen, noting, in part:

"This entails working out, studying military strategy and tactics, eating correctly, making da'wa for jihad and ribaat, acquiring the right equipment, etc. If one does not take reasonable effort in this regard, then they might lose because of this...

So if we want victory from Allah 'azzaa wa jall we have to do everything we can in order to prepare for the fight. We have to give up our sins. We have to make istikhar and tawba. We have to go for jogs, do push-ups, learn firearms, and all kinds of things. We have to pray our Sunnan. We have to wake up in the middle of the night and stand before Allah 'azzaa wa jall.

And, perhaps most importantly, we have to actually go and fight against the disbelievers."

33. On April 1, 2010, Chesser posted an article to his blog, themujahidblog.com, titled "An Overview Of The Jihad In Somalia." The article contains a call for individuals to join the jihad in Somalia, and highlights the recent emigration of 20 Somali-American men who traveled to "fight jihad in Somalia." The article ends with the following summary;

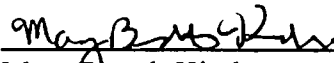
"We (the Ummah) must trust the brothers and sisters who take time to tell the truth on the Internet. These brothers and sisters have done an excellent job of letting Muslims all over the world, particularly the west know what is really happening in Muslim lands. The brothers and sisters on the Internet have provided a clear picture of what is going on in Muslim lands. They have fulfilled their obligation and now it is time for those learning the truth to act. It is both ironic and promising that Muslims and Somali brothers living in the United States and Europe have answered their call. The government of the United States along with their chief spy, Robert Mueller said he is 'absolutely' afraid that more heroes like Brother Mohamoud Hassan or Brother Abu Mansour will answer the call of Jihad. The Army of the Ummah in Somalia is one of the most important in Islam today. Are you doing your part to support your Brothers and Sisters in Somalia? Have you given d'ua for Brothers like Abu Masour al-Amriki and other brothers like Shirwa Ahmed (rahimullah) lately? It may be time brothers and sisters to not only agree with the actions of The Lions of Tawheed, but also do something to support your brothers in Somalia and other places where al-Islam is being attacked. This is a call to action and a call to fulfill your obligation as a Muslim to defend your brothers and sisters. As your brothers and sister in Somalia are raped and killed by the Ethiopian Puppets from Addis Ababa and the Somalia slaves of the United States, will you be like Brother Mohamoud Hassan or Brother Abu

Mansour and answer the call to Jihad? For Allah (SWT) knows best and will reward those who sacrificed on the Day of Judgment."

Conclusion

Based on the foregoing, there is probable cause to believe that, between November 2009 and July 10, 2010, Zachary Adam Chesser did knowingly attempt to provide material support and resources to a foreign terrorist organization, namely, Al-Shabaab, knowing that the organization had engaged in and was engaging in terrorist activity and terrorism, in violation of Title 18, United States Code, Section 2339B(a)(1).

FURTHER THIS AFFIANT SAYETH NOT.



Mary Brandt Kinder
Special Agent, FBI

SUBSCRIBED AND SWORN to before me on July 21, 2010. /s/
Theresa Carroll Buchanan
United States Magistrate Judge



THERESA CARROLL BUCHANAN
UNITED STATES MAGISTRATE JUDGE